

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1880.—Ordered to be printed.

MR. PLATT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2859.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2859) granting a pension to Paul Walker, have carefully examined the same, and report:*

The petitioner enlisted as private, Company E, Twentieth Pennsylvania Cavalry, July 1, 1863, to serve for six months, and was discharged September 10, 1863, on surgeon's certificate of disability—the nature of his disability not appearing on the record. He was stated to be 44 years of age at the time of enlistment, but there is evidence going to show that he was older by several years than stated.

His application for a pension, filed June 6, 1870, alleges rupture, chronic diarrhea, and rheumatism. The claim was very thoroughly investigated by the Pension Bureau, and finally rejected October 28, 1875, and on appeal the rejection was affirmed by the Secretary of the Interior April 1, 1876.

The following is a statement of the evidence: Upon his first examination, September 21, 1870, Examining Surgeon McCullough reported him suffering from chronic rheumatism to the extent of one-half disability, and from hemorrhoids to the extent of one-fourth disability, but expresses no opinion as to whether his disability was incurred in service.

On the 6th of October, 1875, he was examined by a board of examining surgeons, who report: "There is a direct inguinal hernia, left side, reducible and uncomplicated; disability one-half of total. There is no evidence of rheumatism or chronic diarrhea; has chronic bronchitis, which has probably existed for twenty years or more. He is a broken down old man, most of whose complaints are due to old age. We have no means of ascertaining whether the hernia existed previous to enlistment or not."

The assistant surgeon of his regiment testified, by affidavit of May 9, 1872, that while acting as such he "secured the discharge of the claimant by reason of some disease, the precise character of which he cannot recollect, but which at the time he believed to have been contracted in the service."

Upon being called upon for a more specific statement, the assistant surgeon, by a certificate dated May 5, 1875, says that by reference to his note-book he finds that he prescribed for claimant August 1 and August 2, 1863, for diarrhea; August 13 and August 14, for rheumatism; September 12 and September 14 for dysentery; and on September 16 he was discharged. That he has no further record of cause for

which claimant was discharged, but he has an indistinct recollection of the supervention of some other condition which occasioned the necessity of his discharge, which he thinks was hernia. This is all the medical testimony as to his condition in service.

In the original application, filed by said claimant, he makes no mention of a rupture, except he alleges that from having been from long periods in the saddle exposed to all kinds of weather and sleeping on the ground he had serious pains in the thighs and groins.

Subsequently, in an additional statement, he says he was ruptured about the last of July, 1863, but does not state the circumstances under which it occurred.

A lieutenant of claimant's company testifies that about the last of July or first of August, 1863, claimant was thrown from his horse, "which it seems caused a rupture in his left groin."

Four witnesses testify that claimant was an able-bodied and sound man before enlistment.

Claimant certifies that his family physician before enlistment is dead, and that Dr. Hays is the only physician who has prescribed for him since discharge.

Dr. Hays, in response to an inquiry by the Pension Bureau, says he has no record of any professional services ever rendered claimant; that he is certain he has not visited him professionally; that he thinks he has prescribed for him once or twice, but does not recollect for what; that he never considered him one of his patients; that one occasion, while visiting claimant's wife, he remembers that claimant exhibited a rupture to him.

From the testimony thus stated the committee are forced to the conclusion that the present disability of claimant is not traced to his service in the Army, and considering his age at the time of enlistment, his short period of service, and the other attendant circumstances, the decided probability is that his disability is due to other causes, and while admitting his present disability and necessitous circumstances, are convinced that there is no ground upon which a pension can be granted under the existing laws.

They therefore recommend the indefinite postponement of the bill.

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